

# Introduction to the Directive on Environmental Liability

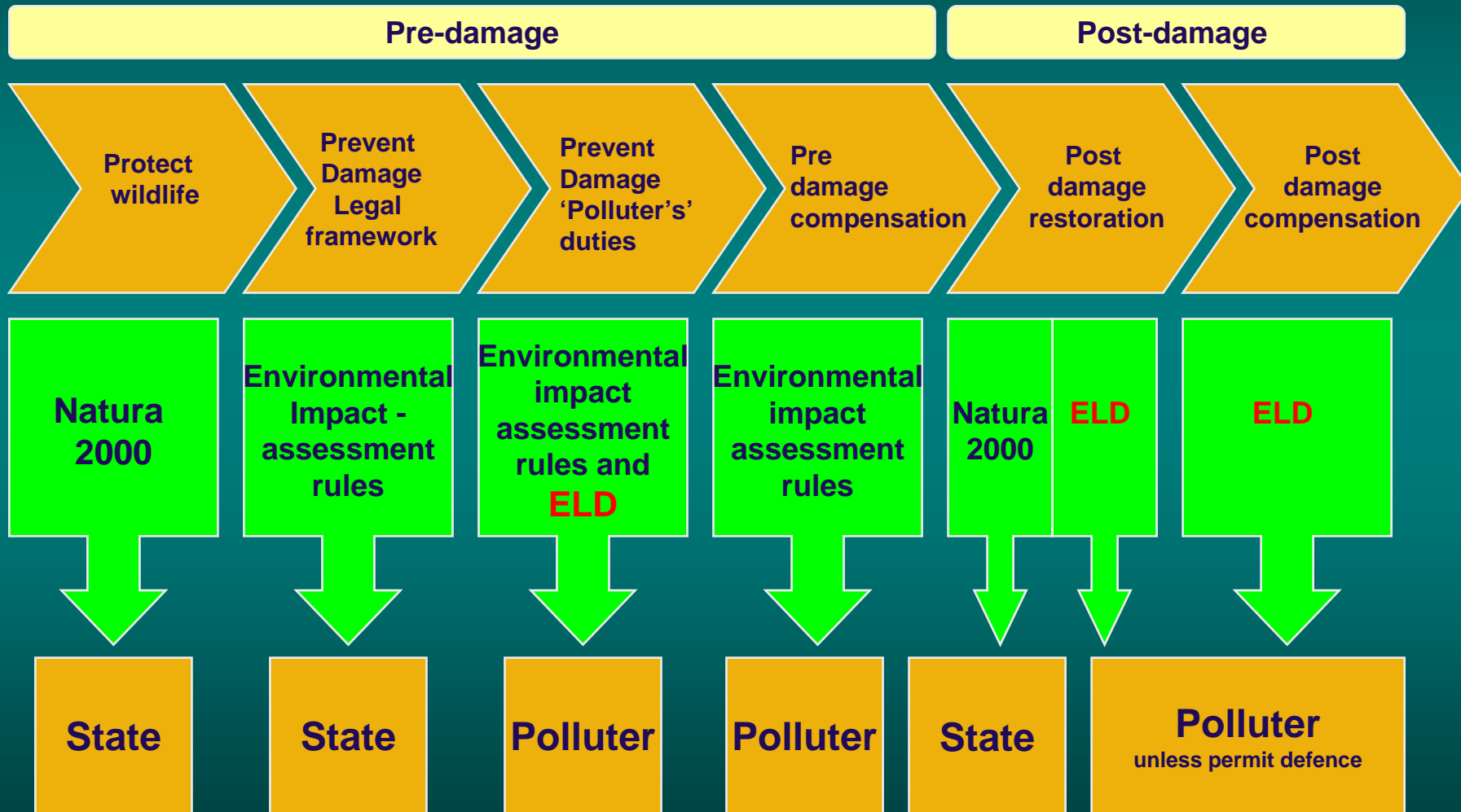


Sandy Luk

# Background

- ◆ Crucial dates
- ◆ Environmental rationale
- ◆ Political pressures

# EU Wildlife Protection – the ELD in Context



# The ELD – What is it all about?

Significant ENVIRONMENTAL DAMAGE

Protected species  
and habitats

Water

Land

Fault  
necessary

Strict  
liability

Strict  
liability

Strict  
liability

PREVENT AND RESTORE

Any  
business  
type  
activity

dangerous  
activity  
(only Annex 3)

Fundamental Aim  
Apply the POLLUTER PAYS PRINCIPLE

# The ELD – What is it all about?

Damage to protected species and habitats

Damage to water

Damage to land

Reaching or maintaining favourable conservation status

Ecological, chemical and/or quantitative status and/or ecological potential

Human health

Significant adverse effects

Significant adverse effects

Significant risk of adverse effects

Measurable adverse change

Measurable adverse change

Contamination:  
Introduction of substances

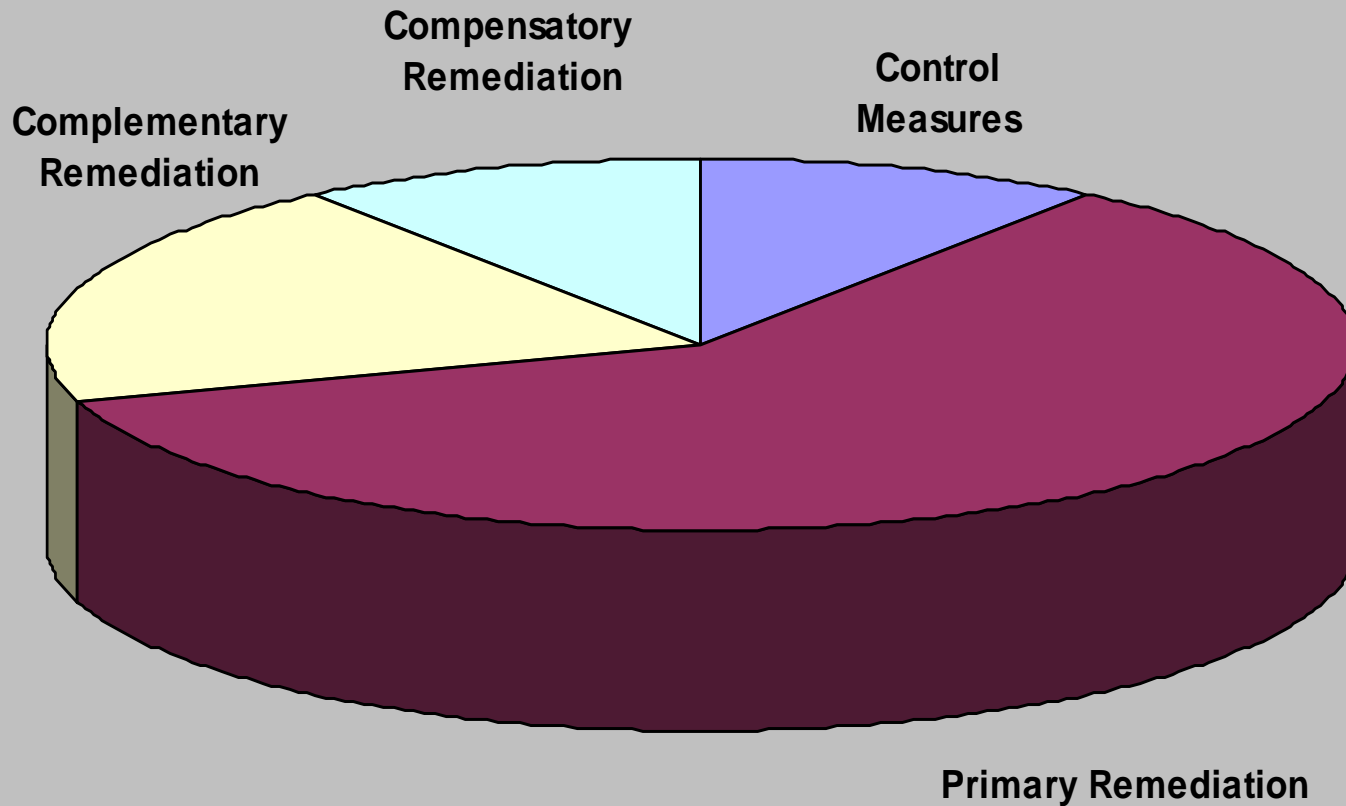
# The ELD – What is it all about?

- ◆ Operators
- ◆ Exceptions and Defences
  - ‘civil liability’ type exceptions
  - 3<sup>rd</sup> party and compulsory order
  - ‘permit’/’state of the art’
- ◆ Allocating liability

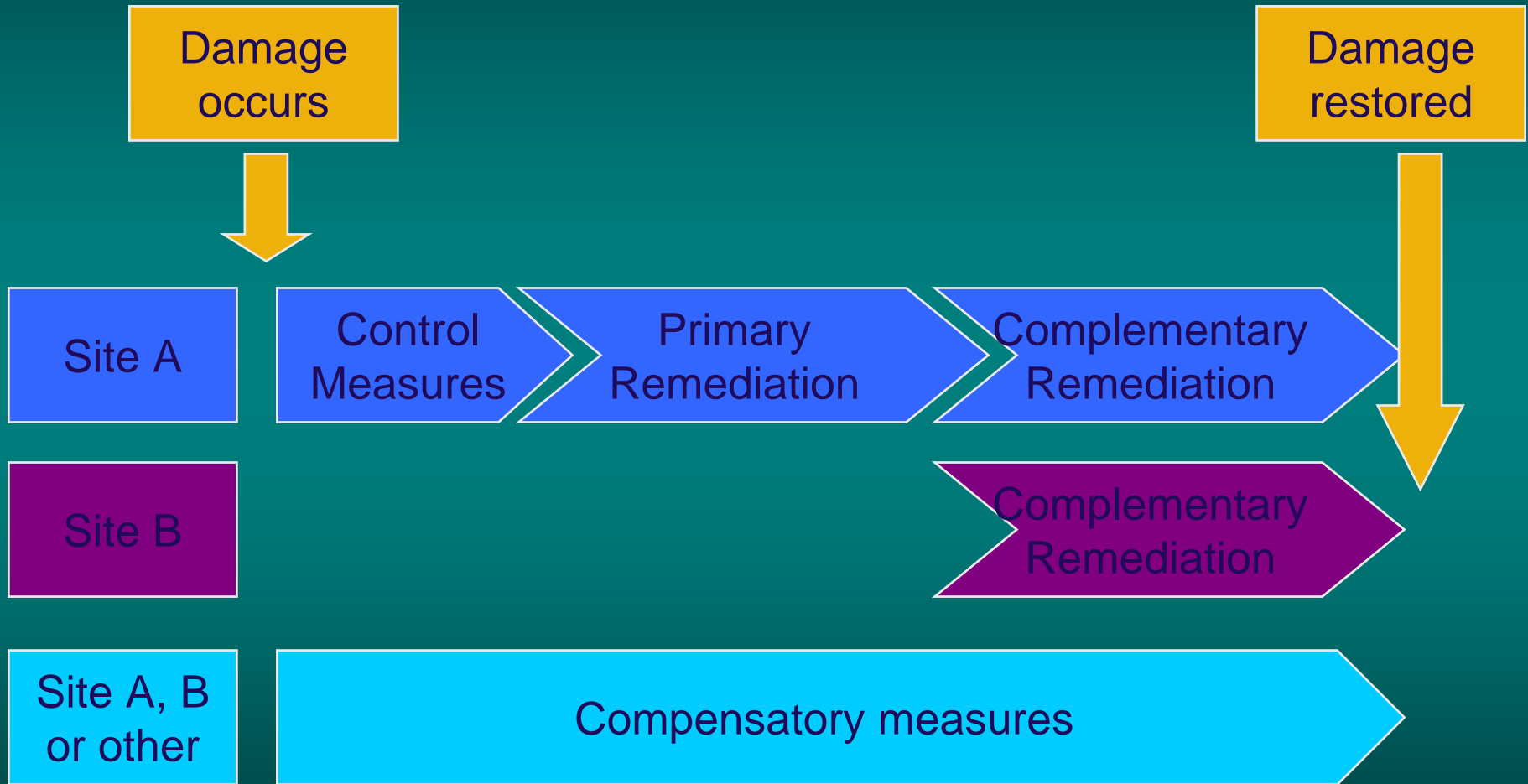
# The ELD – What is it all about?

- ◆ Competent Authority
- ◆ NGO rights
- ◆ Limitation of liability
- ◆ Financial security

# Remediation Requirements

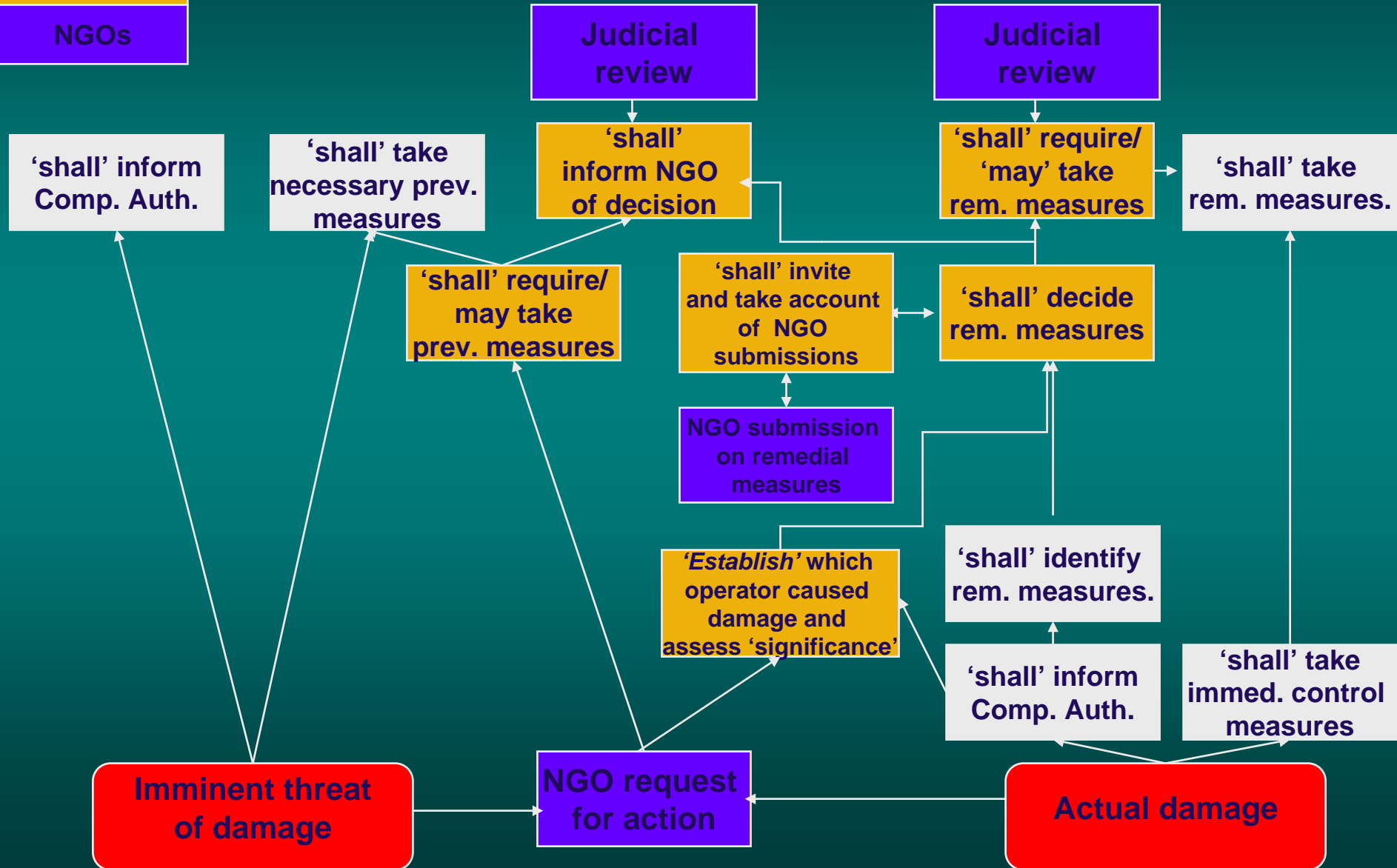


# Remediation Requirements

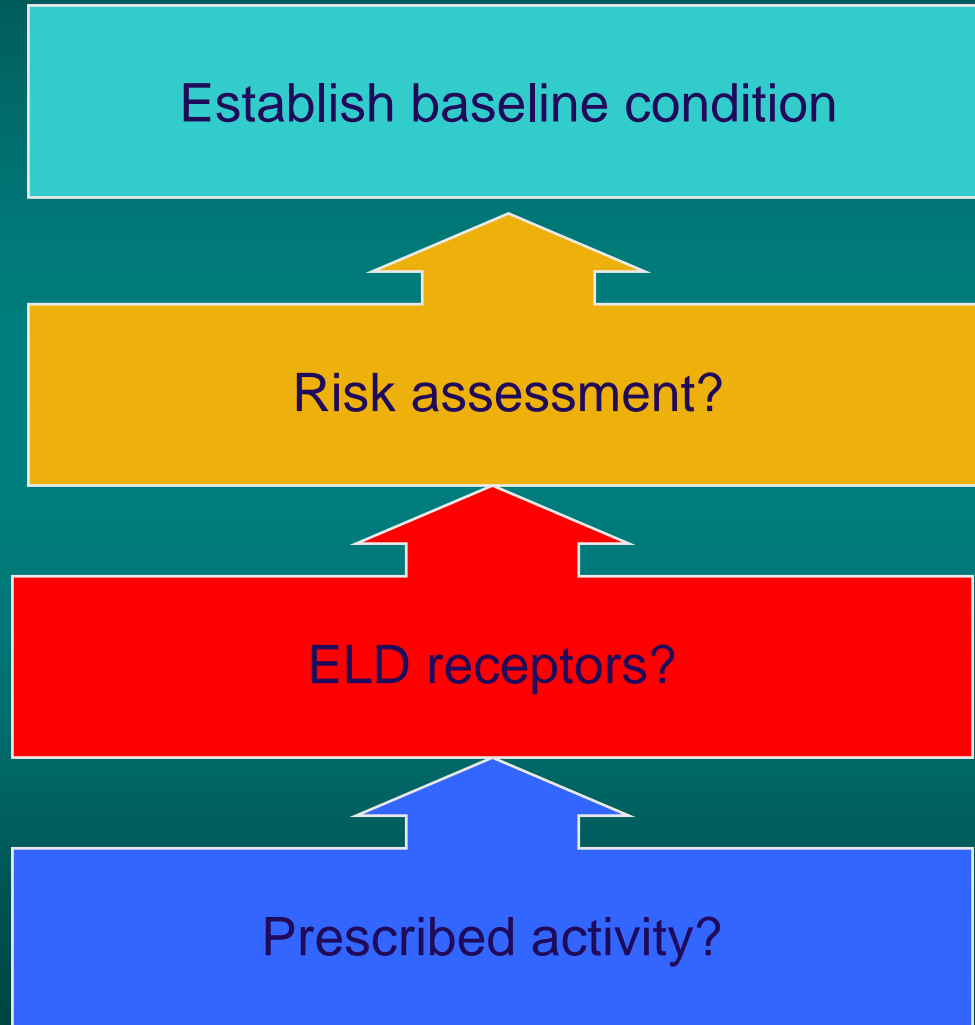


Operator
Comp. Auth.
NGOs

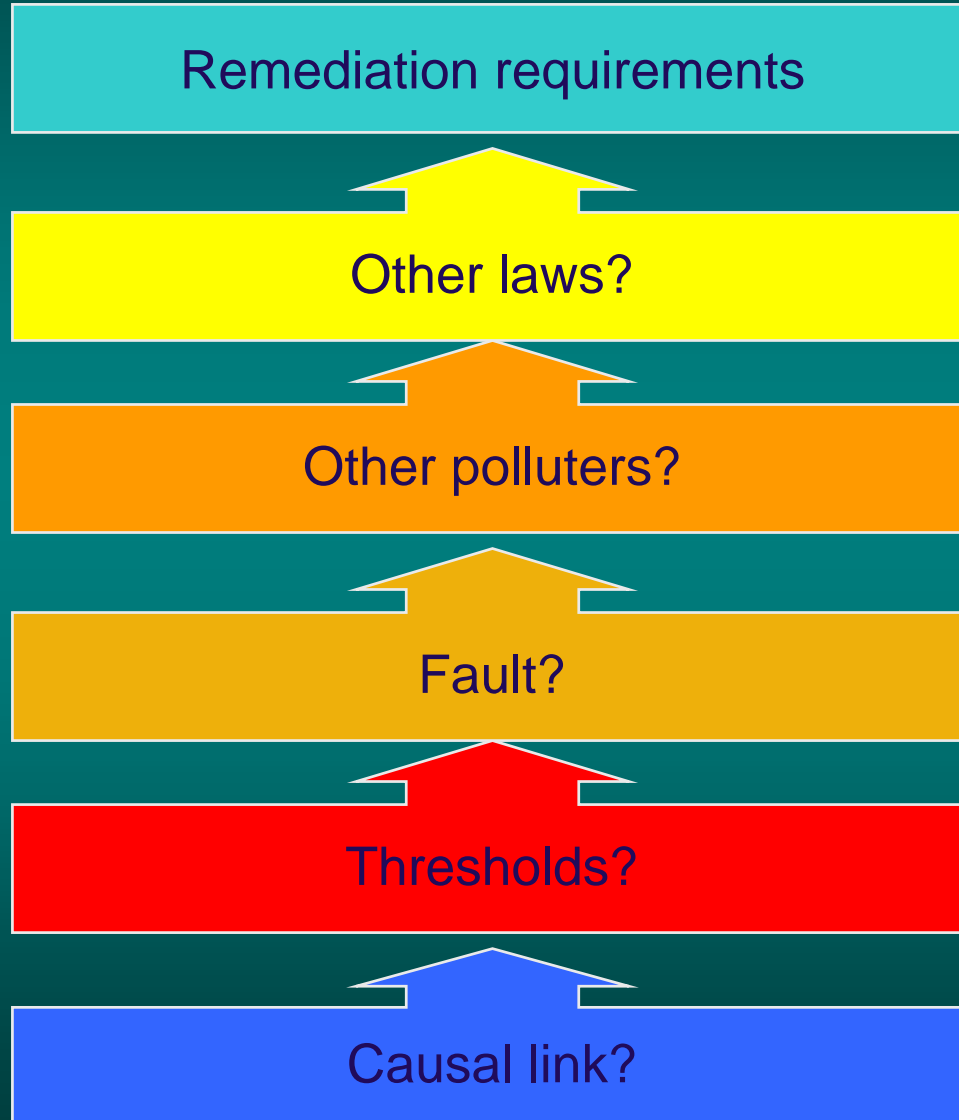
# From Damage to Restoration



# Practical Issues for Operators



# Practical Issues for Operators



# Conclusion

- ◆ ELD Objectives: prevent and restore
- ◆ Fundamental principles
  - ‘polluter pays’
  - strict liability
- ◆ Everything depends on implementation